

10/616,450

REMARKS

The Applicant thanks the Examiner for noting that a certified copy of the Canadian priority application has not, as yet, been filed. A copy is in the process of being ordered and will be filed in due course.

Claims 14-17 were objected to for the noted informalities. The Applicant thanks the Examiner for noting the errors in the claims. The Examiner's comments are used as a guide to amend the pending claims. In particular, claims 14, 16 and 17 are canceled from this application while the second claim 11 is amended to be claim 15.

The Applicant thanks the Examiner for indicating that claims 7 and 17 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In accordance with this indication, claim 7 is appropriately revised, to be an independent claim, and this amended independent claim is now believed to be allowable.

Next, claims 1-4, 9 and 12 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Meewes `466. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Claims 5, 6 and 10 are rejected, under 35 U.S.C. § 103, as being unpatentable over Meewes `466 in view of Mackie `004. Claims 1-6, 8, 11-13, 15 and 16 are rejected, under 35 U.S.C. § 103, as being unpatentable over Cadden `872 in view of Meewes `466. Claims 5 and 6 are rejected, under 35 U.S.C. § 103, as being unpatentable over Meewes `466 in view of Willetts `896. Claims 14 are rejected, under 35 U.S.C. § 103, as being unpatentable over Cadden `872. The Applicant acknowledges and respectfully traverses the raised obviousness rejections in view of the following remarks.

The Applicant reviewed the Examiner's analysis. It is believed that some of the rejections can be overcome by appropriate amendments to the claims. There follows an explanation of the amendments made by the Applicant, together with an explanation as to why it is respectfully submitted the amendments place the claims in question in suitable condition for allowance.

Claim 1

The Applicant combined the subject matter of Claim 9 with the subject matter of Claim 1 and added some clarifying amendments. In general the Applicant is seeking to protect the "drop walking beam" illustrated in Figs. 1, 3, 4, and 11. The Examiner notes that Meewes `466 discloses a "drop walking beams" 30. Upon reviewing Meewes `466 it is noted that the "drop walking beams" of Meewes `466 goes straight across the top and "drops down" from the bottom, and thus does not provide any advantage of increased clearance such as that provided by the presently claimed configuration. It is also noted that the central transverse pivot axis 46

of Meewes `466 is positioned at the upper extremity of the walking beam above the connectors. This results in an increase in movement and a greater angle of inclination, both of which tend to exacerbate any clearance problems. This was not a configuration that the Applicant was intending to cover and points to a need for greater precision in the claim language.

Next, in relation to the "drop walking beam" issue, the Examiner refers to Mackie `004 with respect to a rejection of Claim 10 that depends from Claim 9. It is noted that the drop walking beam of Mackie `004 drops down in the middle along the top edge, but also has a highly placed transverse central pivot axis. Claim 1 of the current application is, therefore, amended to more clearly specify that the Applicant's drop walking beam has an intermediate portion along a top edge that drops down from the end portions. The relationship of the various pivot axes has been defined by specifying that the central transverse pivot axis of the walking beams is positioned lower than the longitudinal pivot axis defined by the cylindrical pin connectors.

Claim 2

The Applicant combined the subject matter of Claims 4, 5, and 14 with the subject matter of Claim 2 and added some clarifying amendments. The Applicant is seeking protection for the connector configuration with shim adjustment as illustrated in Fig. 12. The Applicant pioneered a configuration with this combination of elements and determined that shim adjustment is necessary for virtually every installation. Different jurisdictions have different regulations regarding axle spread. For example, the Applicant recently had to deal with two different jurisdictions, one jurisdiction had a 70 inch axle spread requirement and the other jurisdiction had a 72 inch axle spread requirement. The Examiner noted, in relation to the subject matter of Claim 5, that cylindrical pin connectors 36 were disclosed in Meewes `466 and bushing/resilient flexible elements 14 were disclosed in Willetts `896. The Applicant notes, however, that the projecting heads 38 of the longitudinal pins 36 of Meewes `466 are transversely pivotally connected by pins 39 (column 3 lines 13-20). The linkage, therefore, pivots about a horizontal transverse pivot axis represented by pin 39 (See Fig. 8 of Meewes `466), which is a much different movement than that claimed in Claim 2, as amended. Furthermore, torque rods 70 and 71 are required in order to maintain parallelism of the vertical axes of the axles (see column 3 line 74 through to column 4 line 18). In view of this pivotal movement of Meewes about pin 39, it is respectfully submitted that there would not be motivation to borrow a teachings of a bushing/resilient flexible element 14 from Meewes `466. Pin 36 is prevented from oscillating in the manner of the Applicant's configuration by pin 39. It is further respectfully submitted, that there would be no motivation to borrow a shim adjustment from Cadden `872. In conclusion, it is respectfully submitted that there would be no motivation to combine this group of references. Furthermore, even if they were combined,

they would not result in a configuration resembling that illustrated in Figure 12 and recited in Claim 2, as amended. The now claim specifies that each of the connectors is a cylindrical pin positioned on the longitudinal pivot axis and surrounded by a resilient cylindrical bushing and that the bushing is encased in a two part bushing housing. The currently pending claims state that mounting plates are positioned on top of the intermediate portion of each drop axle, with each of the mounting plates having bolt receiving apertures. The currently pending claims further state that each of the cylindrical pins is secured in position by bolts engaging the two part bushing housing, extending through the apertures and secured by nuts. The currently pending claims finally state that the cylindrical pin has a threaded end with a nut threaded onto the threaded end of the cylindrical pin, thereby facilitating the use of washers as shims on either side of the bushing.

Claim 15

Claim 15 presently stands rejected as being unpatentable over Cadden `872 in view of Meewes `466. Claim 15 is amended to specify that the drop axle has a central transverse pivot axis positioned lower than the longitudinal pivot axis. As previously submitted, this relationship differs from the teachings of Meewes `466. Claim 15 is also amended to incorporate subject matter relating to the connectors which, as previously described, enables the present invention to function without the torque rod connectors required by Meewes `466.

In explanation of other amendments, in Claim 11, the term "hydraulic shock absorber" is replaced with the more specific term --air spring-- taken from the disclosure page 7 line 19, in order to provide an antecedent basis for Claim 13. In Claim 13, the claim dependency is changed to Claim 11 and the term "air bag" is changed to -- air spring --.

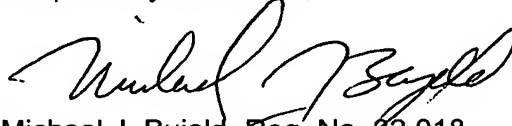
In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Meewes `466, Mackie `004, Cadden `872 and/or Willetts `896 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

10/616,450

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Bujold", written in a cursive style.

Michael J. Bujold, Reg. No. 82,018

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com